

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON JUDICIARY

Call to Order: Chair Ken Peterson, on March 25, 2011 at 8:00 AM, in Room 137 Capitol

ROLL CALL

Members Present:

Rep. Ken Peterson, Chairman (R)
Rep. Liz Bangerter (R)
Rep. Robyn Driscoll (D)
Rep. Bill Harris (R)
Rep. Ellie Boldman Hill (D)
Rep. David Howard (R)
Rep. Cleve J. Loney (R)
Rep. Mike Menahan (D)
Rep. Michael (Mike) More (R)
Rep. Jesse O'Hara (R)
Rep. Carolyn Pease-Lopez (D)
Rep. Joe Read (R)
Rep. Keith Regier (R)
Rep. Bob Wagner (R)

Members Excused: Rep. Krayton Kerns, Vice Chairman (R)
Rep. Kris Hansen (R)

Members Absent: Rep. Diane Sands, Vice Chairman (D)
Rep. Margaret (Margie) MacDonald (D)
Rep. Dan Skattum (R)
Rep. Wendy Warburton (R)

Staff Present: Karen Armstrong, Committee Secretary
David Niss, Legislative Branch

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary:

Hearing & Date Posted: HB 627, 3/22/2011; HB 634, 3/22/2011; HB 637, 3/23/2011
HB 638, 3/23/2011

Executive Action: HB 518; HB 627; HB 637; HB 638

00:01:20 Rep. Warburton arrived
00:01:27 Rep. MacDonald arrived.

HEARING ON HB 637

Opening Statement by Sponsor:

00:02:07 Rep. Sue Malek (D), HD 98, opened the hearing on HB 637, Revise interlock requirements for DUI.

EXHIBIT(juh67a01)

00:07:00 Rep. Skattum arrived.

Proponents' Testimony:

00:08:20 Rebecca Sturdevant, Mothers Against Drunk Driving (MADD)

EXHIBIT(juh67a02)

00:10:32 Rep. Howard exited.

00:11:44 Harris Himes, Montana Eagle Forum

Opponents' Testimony: None

Informational Testimony:

00:12:56 Greg Noose, Chief, Records and Driver Control Bureau, Motor Vehicle Division, Department of Justice (DOJ)

Questions from Committee Members and Responses: None

Closing by Sponsor:

00:13:37 Rep. Malek

00:14:23 Rep. Howard returned.

00:19:24 Rep. Menahan exited.

00:30:18 Rep. Bangerter exited.

HEARING ON HB 638

Opening Statement by Sponsor:

00:19:35 Rep. David Howard (R), HD 60, opened the hearing on HB 638, Referendum to require proof of citizenship to receive state service.

Proponents' Testimony:

00:21:25 Art Ellison, American Legion

EXHIBIT(juh67a03)

00:24:21 Rep. O'Hara exited.

00:28:19 Rep. Menahan returned.

00:33:12 Roger Nummendor, self

00:37:33 Harris Himes, Montana Eagle Forum

00:40:39 Lee Sturdevant, self

Opponents' Testimony:

00:42:46 Jamee Greer, Montana Human Rights Network
00:43:12 Rep. Wagner exited.
00:45:42 Sarah Rossi, Montana Coalition Against Domestic and Sexual Violence
00:46:51 Travis Hoffman on behalf of Beth Brenneman, Disability Rights of Montana

EXHIBIT(juh67a04)

00:47:18 Rep. O'Hara returned.
00:47:23 Vice Chairwoman Sands arrived.
00:49:07 Rep. Wagner returned.
00:50:02 Niki Zupanic, American Civil Liberties Union (ACLU)
00:53:11 Jorge Quintana, self
00:55:18 Rep. More
00:55:44 Mr. Quintana
00:55:57 Rep. More
00:56:09 Mr. Quintana
00:56:56 Rep. More
00:57:30 Mr. Quintana
00:58:28 Rep. Wagner
00:58:55 Mr. Quintana
00:59:56 Rep. Wagner
01:00:03 Mr. Quintana
01:00:25 Rep. Wagner
01:00:38 Mr. Quintana

Informational Testimony: None**Questions from Committee Members and Responses:**

01:01:15 Vice Chairwoman Sands
01:01:32 Rep. Bangerter returned.
01:01:39 Rep. More
01:02:29 Rep. Howard
01:02:55 Rep. More
01:03:52 Rep. Howard
01:04:27 Rep. Hill
01:06:03 Ms Rossi
01:06:22 Rep. MacDonald exited.
01:07:19 Rep. Hill
01:07:32 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence
01:11:21 Rep. Hill
01:12:37 Mr. Greer
01:15:06 Rep. Harris
01:15:12 Chairman Peterson
01:15:28 Mr. Greer
01:16:40 Rep. Pease-Lopez
01:17:02 Rep. Howard
01:17:18 Rep. Pease-Lopez
01:17:55 Rep. Howard
01:18:06 Rep. Menahan exited.
01:18:29 Rep. Pease-Lopez
01:18:56 Rep. Howard

01:19:30 Rep. Pease-Lopez
01:19:51 Rep. Howard
01:20:03 Rep. Loney exited.
01:20:27 Rep. Warburton
01:21:11 Rep. Skattum
01:22:03 Mr. Greer
01:22:51 Rep. Skattum
01:23:04 Mr. Greer
01:23:20 Rep. Skattum
01:23:34 Rep. Loney returned.
01:23:40 Rep. Wagner
01:24:23 Rep. Driscoll exited.
01:26:04 Mr. Greer
01:26:09 Rep. MacDonald returned.
01:26:21 Rep. Regier exited.
01:26:42 Rep. Wagner
01:27:03 Rep. Read exited.
01:27:24 Chairman Peterson
01:27:48 Vice Chairwoman Sands
01:28:42 Rep. Howard
01:28:47 Rep. Read returned.
01:29:37 Vice Chairwoman Sands
01:30:01 Rep. Howard
01:30:07 Vice Chairwoman Sands
01:30:39 Rep. Howard
01:31:03 Vice Chairwoman Sands
01:31:18 Rep. Howard
01:31:26 Vice Chairwoman Sands
01:31:54 Rep. Howard
01:31:59 Rep. Hill
01:33:01 Rep. Howard
01:33:30 Rep. Hill
01:33:46 Rep. Driscoll returned.
01:34:05 Rep. Hill
01:34:37 Rep. Howard

Closing by Sponsor:

01:35:58 Rep. Howard

HEARING ON HB 627**Opening Statement by Sponsor:**

01:36:13 Rep. Gerald (Jerry) Bennett (R), HD 1, opened the hearing on HB 627, Referendum to revise parental notice of abortion and judicial bypass.

01:38:11 Rep. Howard exited.

01:38:16 Rep. More exited.

Proponents' Testimony:

01:39:56 Jeff Laszloffy, Montana Family Foundation
01:41:53 Rep. Regier and Rep. More returned.
01:42:46 Mary Beth Adams, self
01:46:59 Rep. Howard returned.
01:47:48 Rep. Hill exited.
01:50:38 Theresa Frei, self and husband
01:52:22 Rebecca Mastee, Montana Catholic Conference

[EXHIBIT\(juh67a05\)](#)

[EXHIBIT\(juh67a06\)](#)

01:56:46 Rep. Howard exited.
01:57:19 Rep. O'Hara exited.
01:58:15 Gregg Trude, Right to Life Montana
01:58:38 Harris Himes, Montana Eagle Forum

[EXHIBIT\(juh67a07\)](#)

02:01:10 Chairman Peterson exited. Vice Chairwoman Sands assumed the chair.

Opponents' Testimony:

02:03:29 Niki Zupanic, American Civil Liberties Union Montana (ACLU)
02:08:56 Kelsen Young, Montana Coalition Against Domestic and Sexual Violence

[EXHIBIT\(juh67a08\)](#)

02:09:36 Rep. Menahan returned.
02:10:04 Rep. Harris
02:10:58 Rep. Driscoll exited.
02:14:28 Rep. O'Hara returned.
02:15:17 Rep. More exited.
02:15:20 Rep. Driscoll returned.
02:16:32 Alex Corcoran, NARAL Pro-Choice Montana
02:18:24 Rep. Peterson returned and resumed as chair.
02:18:42 Lindsey Love, Planned Parenthood of Montana
02:18:56 Rep. More returned.
02:23:22 Chairman Peterson
02:23:27 Rep. Harris

Informational Testimony: None

Questions from Committee Members and Responses:

02:23:41 Rep. Loney
02:24:13 Ms Love
02:24:32 Rep. Loney
02:24:47 Vice Chairwoman Sands exited.
02:25:31 Rep. O'Hara exited.
02:25:40 Ms. Love
02:25:45 Rep. Loney
02:25:50 Ms Love
02:26:15 Ms Adams
02:26:23 Rep. Loney
02:26:30 Ms Adams
02:26:40 Rep. MacDonald exited.
02:26:54 Rep. O'Hara returned.

02:27:14 Rep. Regier
02:27:26 Rep. MacDonald returned.
02:27:35 Rep. Bennett
02:27:46 Rep. Regier
02:27:50 Rep. Bennett
02:27:55 Rep. Harris
02:28:48 Ms Love
02:28:53 Rep. Howard returned.
02:29:26 Rep. Harris
02:30:05 Ms Love
02:30:15 Rep. Harris
02:30:33 Ms Love
02:30:45 Rep. Harris
02:30:59 Ms Love
02:31:24 Rep. Harris
02:31:28 Ms Love
02:32:08 Rep. Harris
02:32:38 Ms Love
02:33:00 Rep. Warburton
02:33:26 Ms Love
02:33:31 Rep. Warburton
02:33:41 Ms Love
02:33:50 Chairman Peterson
02:33:55 Ms Love
02:34:08 Rep. Warburton
02:34:39 Rep. MacDonald
02:35:19 Ms Zupanic
02:37:40 Rep. Bangerter
02:37:53 Rep. Howard exited.
02:39:14 Ms Love
02:39:50 Rep. Bangerter

Closing by Sponsor:

02:40:12 Rep. Bennett

02:40:34 Rep. Pease-Lopez exited.
02:42:12 Chairman Peterson

02:42:18 Meeting recessed until 11:00
03:00:14 Meeting resumed with Rep. Driscoll, Rep. Hansen, Rep. Hill, Rep. Kerns,
Rep. MacDonald, Rep. O'Hara, Rep. Sands, Rep. Skattum and Rep. Warburton
absent.

03:00:37 Rep. Menahan
03:01:51 Rep. Driscoll returned.
03:02:18 Rep. Sands returned.
03:02:31 Rep. Skattum returned.
03:02:45 Chairman Peterson
03:02:50 Rep. Warburton returned.
03:03:02 Rep. More

03:03:47 Rep. Bangerter
03:04:03 Rep. MacDonald returned.
03:04:32 Chairman Peterson
03:05:22 Rep. Driscoll
03:05:38 Rep. Hill returned.

EXECUTIVE ACTION ON HB 518

Previously tabled February 21, 2011

03:06:32 **Motion:** Rep. Menahan moved that **HB 518 BE RECONSIDERED.**
03:06:56 Rep. Menahan withdrew his motion.

EXECUTIVE ACTION ON HB 627

03:07:17 **Motion:** Rep. Regier moved that **HB 627 DO PASS.**

Discussion:

03:07:31 Vice Chairwoman Sands
03:08:38 Rep. Loney
03:08:53 Rep. Menahan exited.
03:09:17 Rep. Bangerter
03:10:30 Mr. Niss
03:11:50 Rep. Bangerter
03:12:10 Chairman Peterson
03:12:48 Rep. Driscoll
03:13:23 Chairman Peterson
03:13:30 Rep. Regier
03:13:45 Rep. Howard
03:14:10 Vice Chairwoman Sands
03:14:35 Rep. Menahan returned.
03:15:18 Rep. Loney
03:15:57 Vice Chairwoman Sands

03:09:11 **Vote:** Motion carried 14-6 by roll call vote with Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez and Rep. Sands voting no. Rep. Hansen, Rep. Kerns and Rep. O'Hara voted by proxy.

EXECUTIVE ACTION ON HB 637

03:17:54 **Motion:** Rep. Regier moved that **HB 637 DO PASS.**

Discussion:

03:18:06 Rep. Harris
03:18:25 Rep. Howard

03:18:45 **Substitute Motion:** Rep. Driscoll made a substitute motion that **HB 637 BE TABLED.**

03:20:57 Chairman Peterson

Discussion

03:21:16 Rep. Menahan
 03:21:28 Rep. O'Hara returned.
 03:21:45 Rep. Bangerter
 03:21:58 Vice Chairwoman Sands
 03:22:02 Rep. Driscoll withdrew her motion.
 03:22:08 Rep. Bangerter
 03:22:28 Chairman Peterson
 03:22:59 Rep. Menahan

03:24:16 **Motion/Vote:** Rep. Sands moved that **HB 637 BE TABLED.** Motion carried 16-4 by roll call vote with Rep. O'Hara, Rep. Peterson, Rep. Read and Rep. Regier voting no. Rep. Hansen and Rep. Kerns voted by proxy.

EXECUTIVE ACTION ON HB 638

03:25:35 **Motion:** Rep. Howard moved that **HB 638 DO PASS.**

Discussion:

03:25:42 Rep. More
 03:26:03 Chairman Peterson
 03:27:01 Rep. Howard
 03:27:10 Vice Chairwoman Sands
 03:29:07 Rep. Harris
 03:29:57 Rep. Skattum
 03:30:45 Rep. Read
 03:32:36 Rep. Pease-Lopez
 03:33:04 Rep. Howard
 03:33:51 Rep. MacDonald

03:34:22 **Vote:** Motion carried 11-9 by roll call vote with Rep. Bangerter, Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Menahan, Rep. Pease-Lopez, Rep. Read, Rep. Sands and Rep. Wagner voting no. Rep. Hansen and Rep. Kerns voted by proxy.

EXECUTIVE ACTION ON HB 518

Previously tabled February 21, 2011

03:36:04 **Motion:** Rep. Menahan moved that **HB 518 BE RECONSIDERED.**

Discussion:

03:36:14 Rep. Menahan

[**EXHIBIT\(juh67a09\)**](#)

03:39:18 Rep. Howard

03:39:50 **Vote:** Motion carried 14-6 by roll call vote with Rep. Hansen, Rep. Howard, Rep. Kerns, Rep. Regier, Rep. Skattum and Rep. Warburton voting no. Rep. Hansen and Rep. Kerns voted by proxy.

03:40:51 **Motion:** Rep. Menahan moved that **HB 518 DO PASS.**

Discussion:

03:40:59 **Motion:** Rep. Menahan moved that **HB 518 BE AMENDED..**

[**EXHIBIT\(juh67a10\)**](#)

Discussion:

03:41:18 Rep. Menahan

03:41:50 **Vote:** Motion carried unanimously by voice vote. Rep. Hansen and Rep. Kerns were absent and did not vote.

03:42:28 **Motion:** Rep. Menahan moved that **HB 518 DO PASS AS AMENDED.**

Discussion:

03:42:33 Rep. Regier

03:43:46 Rep. Menahan

03:43:55 Rep. Sands

03:44:03 Rep. Menahan

03:44:16 Rep. Regier

03:44:39 Rep. Menahan

03:45:27 Rep. Regier

03:45:51 Rep. Menahan

03:46:54 Rep. Regier

03:47:07 Rep. Menahan

03:49:00 Vice Chairwoman Sands

03:50:51 Rep. Bangerter

03:51:48 Vice Chairwoman Sands

03:52:25 Anita Roessmann, Disability Rights Montana

03:53:25 Chairman Peterson

03:53:45 Rep. Harris

03:54:34 Rep. Loney

03:55:03 Chairman Peterson

03:56:05 Rep. Wagner

03:56:35 **Vote:** Motion carried 16-4 by roll call vote with Rep. Howard, Rep. Kerns, Rep. Regier and Rep. Skattum voting no. Rep. Hansen and Rep. Kerns voted by proxy.

EXECUTIVE ACTION ON SB 58

Previously considered March 10, 2011

03:57:48

Motion/Vote: Rep. MacDonald moved that **SB 58 BE RECONSIDERED.**

Motion failed 6-14 by roll call vote with Rep. Driscoll, Rep. Hill, Rep. MacDonald, Rep. Pease-Lopez, Rep. Sands and Rep. Wagner voting aye. Rep. Hansen and Rep. Kerns voted by proxy.

ADJOURNMENT

03:59:57 Adjournment

Karen Armstrong, Secretary

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Additional Documents:

EXHIBIT([juh67aad.pdf](#))